

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

David J. Hamilton, :
Petitioner(s), : Case Number: 1:12cv716
vs. : Chief Judge Susan J. Dlott
Warden, Lebanon Correctional Institution, :
Respondent(s). :
:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on January 27, 2014 a Report and Recommendation. Petitioner filed objections to the Report and Recommendation (Doc. 12). The Court entered a Recomittal Order following the objections (Doc. 15) and on March 10, 2014, the Magistrate Judge issued a supplemental Report and Recommendation (Doc. 16). Subsequently, the petitioner filed objections to such Supplemental Report and Recommendation (Doc. 18).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, the petition is dismissed with prejudice. Since reasonable jurists will not disagree with the conclusion, petitioner is **DENIED** a certificate of appealability and the Court will certify to the Sixth Circuit that any appeal will be objectively frivolous.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court